IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4682 OF 2007

Shri Govind D. Pangam & Ors. .... Petitioners

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. Chailkar i/b Mr. G. Krishna Mohan Nair for the Petitioners
Mr. R.M. Patne for Respondent nos. 1 to 3.

CORAM : A.P. DESHPANDE, J.
DATE : 26TH OCTOBER, 2007

P.C.

1) Rule. Rule made returnable forthwith.

Taken up for final hearing by consent of both the parties.

2) The respondent no. 3 passed an order under Section 78(2) of the Maharashtra Co-operative Societies Act, 1960 removing the managing committee of the respondent no. 5 Vishal Kokan Co-operative Housing Society and at his place appointed an Administrator. The said order passed under Section 78(2) was challenged by the committee members by filing an appeal before the respondent no. 2. The Appellate authority allowed the appeal and quashed and set aside the order passed by respondent No. 3 under Section 78(2). Being aggrieved by the

Appellate order, the present petition has been filed by the petitioners

3) It will not be out of place to mention that the term of the managing committee comes to an end on expiry of period of five years on 4th January 2008. The learned Counsel representing the respondent no. 5- Society so also managing committee members being respondent Nos. 6 to 10 submits that the said respondents are ready, willing and desirous of holding an election of the managing committee of respondent no. 5 - Society by the end of December 2007 and thus there is no need to interfere with the impugned order.

4) The parties are in agreement that the ensuing election of the society which is to be completed before December 2007 should be conducted by respondent no. 3 or the Officer appointed by the respondent, no. 3 viz. Deputy Registrar, Co-operative Societies,'R' Ward, Malhotra House, 6th Floor, Fort, Mumbai, so that the election can be conducted impartially.

5) In view of this concession, the present Writ Petition is disposed of by directing the respondent nos. 5 to 10 to handover the record of the Society to the respondent no. 3 or any Officer

nominated by him. The respondent no. 3 or his nominee shall initiate and proceed to complete the election process by end of December 2007 and shall handover the charge to the newly elected body.

6) Rule made absolute in above terms.

(A.P. DESHPANDE, J.)